UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- x
LINDA JUN,

                        Plaintiff,

          -against-   25-CV-5612 (LAK)

CAB EAST LLC, et al.,

                        Defendants.
- x

ORDER

LEWIS A. KAPLAN, *District Judge.*

        This motor vehicle accident case purportedly was removed from the state court on the basis of diversity of citizenship. As the Court pointed out in a prior order, neither the complaint nor the notice of removal sufficiently alleges the citizenship (as distinct from residence) of the plaintiff or the individual defendant nor the citizenship of the of the limited liability company. That order further provided that, absent the filing, on or before July 21, 2025, of an amended notice of removal adequately alleging subject matter jurisdiction, the case would be remanded to the state court.

        Defendant Agathis now has filed a purported amended notice of removal. It does not cure the failure to allege adequately the citizenship of the plaintiff. It asserts that the defendant limited liability company ("LLC") now has been dismissed from the action and that there, at least now, is complete diversity.

        The failure to allege adequately the citizenship (as distinct from residence) of the plaintiff alone is fatal. Moreover, the docket sheet does not reflect any dismissal of the LLC from the action. In any case, however, "[w]hen removal is based on diversity, there must be diversity both at the time that the plaintiff filed the action in state court and at the time of removal." *Hershfeld v. JM Woodworth Risk Retention Grp., Inc.,* No. 16 cv. 6369 (BMC), 2017 WL 1628886, at *3 (E.D.N.Y. May 1, 2017); *see also Grupo Dataflux v. Atlas Global Grp., L.P.,* 541 U.S. 567, 570-71 (2004). Accordingly, a post-filing change in citizenship cannot cure a defect in diversity. Any post-removal dismissal of the LLC would be immaterial.

        The action is remanded to the court from which it was removed for want of subject matter jurisdiction.\

        SO ORDERED.

Dated: July 11, 2025

                                /s/   Lewis A Kaplan
                                _____
                                    Lewis A. Kaplan
                            United States District Judge